

Urban and Community Forestry Program

FACT SHEET

PROTECTING OUR COMMUNITY TREES Massachusetts' General Laws Governing Public Shade Trees

In Massachusetts, we are lucky to have state laws that govern and protect our public roadside trees. The best way to learn about these laws is to read them in full. You can do this by visiting your local library, or the Massachusetts State web site at <http://www.state.ma.us/legis.laws.htm>. This Fact Sheet attempts to summarize these laws.

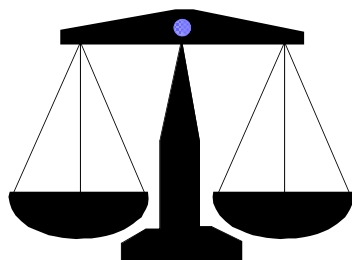
Which Laws Govern Public Trees in Massachusetts?

- ❖ Massachusetts General Law, Chapter 87 is the most important law governing public shade trees. It outlines the powers of the Tree Warden, procedures for removing shade trees, procedures for planting public trees, and penalties for violating provisions of the law.
- ❖ Massachusetts General Law, Chapter 40, Section 15C augments Chapter 87 with additional requirements concerning the removal of trees on Scenic Roads.
- ❖ Some communities also have additional local ordinances governing the protection of both public and private community trees. For example, Lexington recently passed an ordinance, which provides protection to trees during construction, and Springfield has a law, which provides protection for all trees over 36 inches in diameter.



What are the Key Elements of Chapter 87?

- ❖ All trees within the public way are defined as public shade trees.
- ❖ The Tree Warden is responsible for the care, control, protection and maintenance of all public shade trees, except those within a state highway, and shall enforce all the provisions of law for the preservation of such trees.



- ❖ No other person may plant, trim, cut or remove a public shade tree without permission of the Tree Warden.
- ❖ No person, including the Tree Warden, may cut, trim or remove any tree, greater than one and one half inches in diameter, without a public hearing.

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- ❖ Public notice of such a hearing must be posted, at least seven days prior to the hearing, on the trees in question, in two or more public places in town, and in a newspaper of general circulation for the town in each of two successive weeks.
- ❖ The Tree Warden shall not cut or remove a public shade tree if, at or before the public hearing, objection is made in writing by one or more persons, unless such cutting or removal is approved by the selectmen or by the mayor.
- ❖ Any person injured in his property by the trimming, cutting, removal or retention of any such tree may recover the damages, if any, from the town under Chapter 79.
- ❖ **Finally**, nothing contained in chapter 87 shall prevent the trimming, cutting or removal of any tree which endangers persons traveling on a highway, or the removal of any tree, if so ordered by the proper officers, for the purpose of widening the highway.

What if a Tree is Located on a Designated Scenic Road?

- ❖ No public shade tree may be cut, trimmed or removed from along a designated scenic road, for the purposes of road repair, maintenance, reconstruction or paving work, without the prior written consent of the Planning Board after a public hearing.
- ❖ The public hearing regarding the cutting or removal of trees along scenic roads shall be consolidated into a single public hearing before the Tree Warden and the Planning Board, and notice of such consolidated public hearing shall be given by the Tree Warden as provided for in Chapter 87.

What if a Tree is Located on a Numbered State Highway?

- ❖ The Massachusetts Department of Highways shall have the care and control of all trees within state highways, and may trim, cut or remove such trees.
- ❖ No public hearing is required.

What Should a Citizen do if He or She Feels these Laws are Not being Enforced?

- ❖ First contact your Tree Warden to discuss the issue with him or her and make sure that he or she is aware of the issues involved and these regulations.
- ❖ You may also want to share this Fact Sheet with the Tree Warden, Select Board, Planning Board or other town officials.
- ❖ Please also contact us if we can be of assistance in any way regarding community trees or forests.
- ❖ Finally, consider advocating for the creation of a Tree and Forest Committee in your community. Many communities have found that such committees can work effectively with their Tree Wardens to improve the management, maintenance and public support for community trees and forests.

For More Information and Assistance Regarding Community Trees and Forests, Please Contact:

- ❖ Eric Seaborn, Acting Program Coordinator, 617-626-1468, eric.seaborn@state.ma.us
- ❖ Jane Calvin, Community Action Forester, Eastern Mass, 617-626-1456
- ❖ Paul Jahnige, Community Action Forester, Western and Central Mass, 413-577-2966
- ❖ www.state.ma.us/dem/programs/forestry/urban/index.htm